was started before my advent and I speak subject to correction. I think the school was started on the initiative of the Manager and recognised by the Government subsequently.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഡിപ്പാർട്ട്മെണ്ടിൽനിന്നും കെട്ടിടം കെട്ടുവാനാവശ്യപ്പെട്ടിട്ടുണ്ടെങ്കിൽ ഗ്രാൻറുകൊടുക്കുവാനുള്ള ബാദ്ധ്യത ഗവർമ്മെണ്ടിനുണ്ടൊ?

മിസ്റ്റർ ഐ. എൻ. മേനോൻ.—കെട്ടിടം അന്നുകെട്ടിച്ചു് ഗ്രാൻറും കൊടുത്തിരുന്നു. അതിനുശേഷം അവിടെ പുതിയതായി ക്ലാസ്സുകളും തുടങ്ങി. അതിനെപ്പറ്റിയാണു് വാദംവന്നിട്ടുള്ളതു്. സ്കൂൾ തുടങ്ങുന്നകാലത്തും ചില ക്ലാസ്സുകളുണ്ടായിരുന്നു. അതിനപ്പോഴും ഗ്രാൻറ കൊടുത്തുവരുന്നുണ്ടു്.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—ഇല്ല.—ഒന്നിനുമില്ല. ഇതിനെസംബന്ധിച്ചു ഒരു പെറ്റീഷൻ ഗവർമ്മെണ്ടിലേയ്ക്കു് കൊടുത്തിട്ടുണ്ടു്.

മിസ്റ്റർ ഐ. എൻ. മേനോൻ.—ഫ്രാൻസിലൊ ഫ്രാൻസിലൊ-ആണു് സ്കൂൾ തുടങ്ങിയതു്. അന്നു് ഒന്നാംക്ലാസ്സു മാത്രമെയുണ്ടായിരുന്നുള്ളു എന്നാണെന്റെ ഓർമ്മ. അതിനു് ഗ്രാൻറു കൊടുക്കുന്നുണ്ടെന്നാണു് തോന്നുന്നതു്.

Again, I say, I speak subject to correction. But as far as I remember I do not think that the Government made any sort of request to this manager to start that school to assist the Government in any way.

Mr. A. Sankara Poduval.—Is this school being properly conducted?

Mr. I. N. Menon.—Yes.

മിസ്റ്റർ കെ. അയ്യപ്പൻ.—അവിടെ ഒരു ലേബർ സ്കൂളിന്റെ ആവശ്യമുണ്ടെന്നു് ഗവർമ്മെണ്ടിനു് ബോദ്ധ്യമായിട്ടുണ്ടു്. കൊടുങ്ങല്ലൂരിൽ പണമില്ലെന്നുള്ള ബോദ്ധ്യംകൊണ്ടാണു് അതു് ആലോചിക്കാതിരിക്കുന്നതു്. അതുകൊണ്ടു് ഗവർമ്മെണ്ടു് ദയവുചെയ്തു് ഈ കാര്യത്തിൽ വേണ്ടതുചെയ്തുകൊടുത്താൽ കൊള്ളാമെന്നുമാത്രമെ ഞാൻ അപേക്ഷിക്കുന്നുള്ളു.

I don't press the Motion.

Motion was, with leave withdrawn.

Mr. P. V. Subramania Ayyar.—Sir, a word by way of explanation in regard to the placing of this statement.

Deputy President.—It is postponed for to-morrow.

Prevention of food Adulteration Bill.

Mr. Thomas Manjuran.—Mr. President, Sir, I beg to present the Select Committee Report on the Cochin Prevention of Food Adulteration Bill. I may make a short statement in connection with the report itself. The bill, as originally prepared, consisted of provisions more or less on the lines of the Travancore and Madras Acts. During the discussions as the bill was passing through the Select Committee it was thought

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that it might perhaps be of advantage to simplify the bill a little with a view to minimise the interference with individual traders, manufacturers, etc, and some slight modifications were made. But these modifications were all intended to achieve that purpose, namely, to minimise as much as possible interference with traders and manufacturers. The most important change effected with a view to achieve that end is the substitution of old section 6 with a new one. The old section 6 of the bill corresponded to section 6 of the Travancore law. It was thought by the Select Committee that the British section 6 might be better because it gave more restricted powers of interference with private rights. Then sections 13, 14 and 19 of the bill were recast and the corresponding provisions were introduced from the British Act. That was done with a view to achieve more simplicity to the bill. I think these are the most important changes made. Slight omissions have also been made, for instance, the word "butter-milk" has not been defined. Butter-milk is well-known to us. If any difficulty is felt as to standards of purity, rules may be framed by the Government. The bill thus remains substantially as it left this House except for the slight modifications I have mentioned. I move that the bill be taken into consideration.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

The following sections were then put and carried.

Preamble. Whereas it is expedient in the interests of public health to prevent the adulteration of food; it is hereby enacted as follows :—

Short title and local extent.

1. (1) This Regulation may be called the Cochin Prevention of Food Adulteration Regulation of 1109.

(2) This section extends to the whole of Cochin. The Government may, by notification in the Cochin Government Gazette, extend all or any of the other provisions of this Regulation to any local area, municipal or non-municipal and in respect either of all food or such as the Government may specify in the notification, and, if the Government so direct, only for the duration of any market, fair or festival or other large assembly of people :

Provided that such notification shall be made only after the local authority or authorities concerned, if any, have had an opportunity of expressing an opinion as to the necessity for such extension.

Interpretation clause.

2. In this Regulation unless there is something repugnant in the subject or context—

'food' includes every article (other than drugs or water) used by man for food or drink and all materials ordinarily used or admixed in the composition or preparation of such articles and includes also flavouring matter and condiments;

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'milk' means the normal clean secretion drawn from the udder of a healthy cow or sheep or buffalo either completely, or after the first portion of such secretion has been drawn off, to completion;

'cream' means that portion of milk rich in milk-fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force;

'butter' means butter made exclusively from milk or cream or both or from curds with or without the addition of salt or other innocuous preservative, or of innocuous colouring matter;

'curds' mean boiled and fermented milk holding in suspension fat and other solids contained in milk;

'buttermilk' is fermented milk and is the residue left after removal of butter from curds by churning,

'ghee' means ghee prepared exclusively from butter made from cow's or buffalo's milk or cream or both;

'prescribed' means prescribed by rules made under this Regulation;

'Public Analyst' means any person appointed by the Government or under rules made by the Government to exercise the functions of a Public Analyst under this Regulation:

Provided that no person shall be appointed Public Analyst unless he is a Chemistry Graduate of a University and has undergone a course of training in food analysis in any public health laboratory for a period of not less than six months;

'local Food Inspector' means, in any Municipality the Chairman of the Council and for other areas such officer as the Government may appoint to exercise the functions of a local Food Inspector under this Regulation;

'local authority' means—

(1) in the case of any Municipality, the Municipal Council; and

(2) in the case of any other local area, such authority or officer, if any, as the Government may appoint in this behalf.

Delegation of powers of local Food Inspector.

3. (1) The local Food Inspector may delegate his powers and duties under this Regulation to such persons and in such manner as may be prescribed.

(2) Every local Food Inspector and every person to whom powers have been delegated under this section shall be deemed to be a public servant within the meaning of section 15 of the Cochin Penal Code.

Punishment for sale, etc., of food not of the proper prescribed quality.

4. (1) Every person who, directly or indirectly, himself or by any other person on his behalf—

(a) sells any food which is not of the nature, substance or quality of the article demanded by the purchaser; or

(b) manufactures or stores for sale or offers or exposes for sale or hawks about or sells any food which is not of the nature, substance or quality which it purports, or is represented to be; or

(c) abstracts from any food any part of it so as to affect injuriously the nature, substance or quality thereof with intent that it should be sold in its altered state without notice of the alteration, or sells any articles so altered without making disclosure of the alteration; or

(d) manufactures or stores for sale or offers or exposes for sale or hawks about or sells milk, cream, butter, curds, buttermilk, ghee, tea or coffee or any other food which is not up to the standard of purity if any prescribed by the Government or any article similar to any article in respect of which

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the standard of purity has been so prescribed, under a name which in any way resembles the name of such article shall be punished for the first offence with fine which may extend to one hundred rupees and for every subsequent offence with fine which may extend to five hundred rupees:

Provided that in the following cases no offence under this section shall be deemed to have been committed—

(i) where any innocuous material has been used or admixed in the composition or preparation of the food to render the same fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure of the food or to conceal or debase the quality thereof, or

(ii) where in the process of production, collection, preparation or conveyance of the food some extraneous material has unavoidably been admixed therewith, or

(iii) where any innocuous material has been added or admixed or the article of food sold is not up to the standard of purity prescribed by the Government and before the sale the vendor has clearly brought the fact to the notice of the purchaser either by means of label on or with the food or in such other manner as the Government may by rule framed under section 19 of this Regulation prescribe, or

(iv) where the food is the subject of a patent in force and is supplied in the state required by the specification thereof.

(2) In every prosecution for an offence against this section, the court may presume that any food found in the possession of a person who is in the habit of manufacturing or storing like articles for sale, has been manufactured or stored by such person for sale.

What defences not available.

5. (1) In any prosecution for an offence under the last preceding section it shall be no defence to allege merely that the accused person was ignorant of the nature, substance or quality of the food sold, manufactured, stored, offered or exposed for sale or hawked about by him or that the purchaser has bought the food only for analysis:

Provided that the vendor shall not be deemed to have committed an offence under section 4, if he proves that the food was purchased by him as the same in nature, substance and quality, as that demanded by the purchaser and with a written warranty to the effect that it was of such nature, substance and quality, that he had no reason to believe at the time when he sold the same that the food was not of such nature, substance or quality, and that he sold it in the same state as that in which he purchased it.

(2) Where an employer is charged with an offence under this Regulation, he shall be entitled on application duly made by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he used due diligence to enforce the execution of this Regulation and that the said other person committed the offence without his knowledge, consent or connivance, the said other person shall be convicted and the employer shall be acquitted.

Powers of local Food Inspector for purposes of inspection.

6. (1) The local Food Inspector may without notice enter any place where articles of food are being manufactured or exposed for sale at any time by day or night when the exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

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(2) No claim shall lie against any person or authority for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for affecting an inspection, examination or entry.

(3) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any food was not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or was not intended for human food, the burden of proof shall lie on the party so alleging.

Penalty for preventing inspection.

7. Every person who shall in any manner whatsoever offer resistance to or obstruct the local Food Inspector or any person duly authorised by him exercising powers under the last preceding section shall be punished, where his act does not amount to an offence under the Cochin Penal Code with a fine which may extend to fifty rupees.

Power to seize adulterate food ,etc.

8. If any food or article intended for food appears to the local Food Inspector or any person duly authorised by him and acting under section 6 to be adulterated or other than what it purports or is represented to be, or if any vessel or utensil used in manufacturing, preparing or containing such article appears to violate any rule made under section 19 he may seize or carry away or secure such article, utensil or vessel, in order that the same may be dealt with as hereinafter provided.

Penalty for removing or interfering with articles seized.

9. Every person who shall remove or in any way interfere with an article secured under the last preceding section shall on conviction be punished with fine which may extend to five hundred rupees.

Sample of articles seized to be sent to the public analyst.

10. When any article of food seized under section 8 appears to the local Food Inspector to be adulterated or other than what it purports or is represented to be, he shall forthwith send a sample of such article to the Public Analyst.

Production of articles, etc., seized before Magistrate and power of Magistrate to deal with them.

11. (1) Articles of food or samples thereof, utensils or vessels seized under section 8, shall, as soon as possible, be produced before a Magistrate:

Provided that where a sample or an article has been sent to the Public Analyst the article or sample thereof may be produced before the Magistrate after receipt of the Public Analyst's certificate.

(2) Whether or not complaint is laid before the Magistrate of any offence under the Cochin Penal Code or under this Regulation, if it appears to the Magistrate on taking such evidence as he thinks necessary that any such article is adulterated or other than what it purports or is represented to be, or any such utensil or vessel is of such kind or in such state as is described in section 8, he may order the same—

(a) to be forfeited to the Government, or

(b) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for the manufacture or preparation of or for containing any such article as aforesaid, or

(c) otherwise disposed of.

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Purchaser may have food analysed.

12. (1) Any purchaser of any article of food shall be entitled, if a Public Analyst has been appointed for the local area within which such article is purchased on payment of such fees, if any, as may be prescribed, to have such article analysed by such Public Analyst and to receive from him a certificate of the result of his analysis.

(2) Before sending such article to be analysed as beforesaid the purchaser shall notify to the seller his intention to have it so analysed; and the Public Analyst on receiving such article for analysis shall divide it into three parts, of which one is to be analysed, another to be retained by him in order to be returned with his certificate and the third to be delivered on demand to the seller: Provided that each part other than the part analysed shall be marked and sealed or fastened up in such manner as its nature permits.

Power of local Food Inspector to purchase samples for analysis.

13. (1) The local Food Inspector may purchase a sample of any article of food from any person exposing such article for sale or from any person who is in the course of delivering or preparing to deliver it to a purchaser or consignee, and may submit it to be analysed by the Public Analyst appointed for the area within which such sample has been procured.

(2) Every such person who refuses to sell such sample to the local Food Inspector or any person duly authorised by him at the price at which he usually sells the articles shall be punished with fine which may extend to Rs. 100.

14. (1) When the local Food Inspector or any other person purchases a sample of food with the intention of submitting it to be analysed by the Public Analyst, he shall notify to the person from whom he has purchased the article his intention to have it analysed and shall divide it in three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature permits and shall deliver one of the said parts to the seller and retain another of the parts for production in case proceedings are taken and submit the third part, if he deems it right to have the articles analysed, to the Public Analyst.

(2) If the seller declines to accept one of the parts, the Public Analyst receiving a sample for analysis shall divide it into two parts and shall seal or fasten up one of these parts and shall cause it, either upon receipt of the sample or when he delivers his certificate, to be delivered to the purchaser or to the local Food Inspector who shall retain it for production in case proceedings are taken.

Public Analyst's Certificate.

15. (1) Every Public Analyst to whom a sample has been sent under this Regulation shall deliver to the person so sending it a certificate in the form prescribed in the Schedule to this Regulation, or to the like effect specifying the result of his analysis.

(2) Any document purporting to be such certificate signed by a Public Analyst may be used as evidence of the facts stated therein in any proceedings under this Regulation or under sections 248 and 249 of the Cochin Penal Code:

Provided that any court before which a case under this Regulation may be pending, whether exercising original, appellate or revisional jurisdiction may in its discretion, at the request either of the accused or of the complainant, cause any article of food to be sent for analysis to any expert Analyst in food stuffs who may thereupon analyse the same and report the result of

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such analysis to the said court; and the expense of such analysis shall be paid by the accused or complainant as the court may by order direct.

Jurisdiction of Magistrates.

16. Third Class Magistrates shall not try any offence under this Regulation unless they have been generally or specially empowered in this behalf by the Government.

Condition of institution of prosecutions.

17. No prosecution under this Regulation shall be instituted except on the complaint of the purchaser or of the local Food Inspector or under the sanction of the Government.

Limitation period for prosecution.

18. No prosecution under this Regulation shall be commenced after the expiry of three months after the commission of the offence.

19. The Government may, after previous publication, make rules consistent with this Regulation for the whole or any part of the area to which this Regulation may have been extended—

(a) prescribing the classes or qualifications of persons to whom and the conditions on which the local Food Inspector may under section 8 delegate his powers;

(b) determining the limits within which the local Food Inspector may exercise his powers whether such limits are within or without the local area in respect of which he holds any public office;

(c) prescribing in the interests of public health the state in which utensils and vessels used for manufacturing, preparing or containing any food intended for sale shall be kept, and prohibiting the use of utensils and vessels made, in whole or in part, of materials likely to injure such food;

(d) prescribing the manner in which notice of any addition, admixture or deficiency shall be given to the purchaser of any article of food;

(e) prescribing standards of purity for milk, cream, butter, ghee, cheese and any food and determining what deficiency in any of the normal constituents of these articles or what addition of any extraneous matter or proportion of water in any of the same or any preparation of the same shall forsthe puposes of this Regulation raise a presumption until the contrary is proved that the milk, cream, butter, ghee, cheese or any food is not genuine or is injurious to health;

(f) prohibiting or regulating in the interests of public health—

(i) the addition of water or other diluent or adulterant to any food,

(ii) the abstraction of any ingredient from any food, and

(iii) the sale of any food to which such addition or from which such abstraction has been made or which has been otherwise artificially treated;

(g) providing for the manner in which any receptacle containing dried, condensed, skimmed or separated milk is to be labelled or marked;

(h) authorising the persons taking samples of any food for the purpose of analysis under this Regulation to add preservatives to such sample for the purpose of maintaining it in a suitable condition for analysis and regulating the nature of such preservatives and the method of adding them.

And providing for fines not exceeding rupees one hundred in the case of a first offence and rupees five hundred for every subsequent offence by way of penalty for breach of rules made under clauses (c), (d), (f) and (g).

Power of local authorities to make bye-laws.

20. Every local authority exercising control over any local area to which this Regulation has been extended may, under the provisions respecting the making of bye-laws of the Regulation, if any, under which such local authority is established, make bye-laws not inconsistent with this Regulation

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or the rules made thereunder for all the purposes of this Regulation and in particular, without prejudice to the generality of the power hereby given, for the prevention of the manufacture or preparation for sale, the exposure for sale, or hawking about, or the sale, of articles of food which are adulterated or other than what they purport or are represented to be and the inspection and regulation of places in which such articles are kept, stored, packed, cleansed, manufactured, prepared or exposed for sale, hawked about or sold.

This Regulation supplemental to the Law of local authorities.

21. The provisions of sections 2 to 20 of this Regulation shall be read as supplemental to the regulation, if any, under which the local authority concerned is constituted.

SCHEDULE.

To

I, the undersigned, Public Analyst for the , do hereby certify that I received on the day of 110 from a sample of for analysis which then weighed) and have analysed the same and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine or

I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under

Observations

Signed this day of 110 .

A. B.

at

In the case of a certificate regarding milk, butter, ghee or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

Mr. Thomas Manjuran.—I move that the bill betaken up and passed finally to-morrow.

Mr. C. J. Mathew.—I second it.

Motion put and carried.

Amendments to Standing Orders.

Mr. Thomas Manjuran.—I beg to move the following amendment to Standing Order No. 3 of the Legislative Council. It is put down there as 3 (a) but it ought to be 3 (1). Add the following to Standing Order No. 3(1). "When such notification has been published and summons issued, the Diwan may, either before the meeting commences or during the course of the meeting, extend the time of the meeting by issuing a notification to that effect in the Gazette and in such a case no summons need be issued to the Members of the Council". The object of this amendment is very obvious. It may be that a day may become unavailable for the business of the House for some reason or other. In such cases the Government wish to have power for extending the days of the meeting. It is rather doubtful whether under the existing Standing Order the Government are possessed of such power. It is only to enable the Grvernment to do so that this amendment has been made. I pray that it may be passed.

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